

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**THE BOARD OF TRUSTEES OF THE )  
UNIVERSITY OF ILLINOIS, )**

**Plaintiff, )**

**v. )**

**Case No. 09-cv-6206**

**ORGANON TEKNIKA CORP. LLC, )**

**Defendant. )**

**PETITION FOR AN ORDER DIRECTING FURTHER ARBITRATION  
PURSUANT TO SECTION 4 OF THE FEDERAL ARBITRATION ACT**

This petition is directly related to Case No. 09-cv-04251 and involves the exact same parties. Once this Court dismissed that matter, finding that the subject arbitration decision was not final, the Board of Trustees of the University of Illinois (University) reasonably assumed that Organon Teknika Corporation LLC (Organon) would do as the Court admonished – finish the arbitration. That has not happened, however. Rather, Organon has surprisingly decided not to go back and complete the arbitration, but has decided to appeal this Court’s order of dismissal. This tack causes further delay to the completion of the arbitration. The recent events necessitate the instant petition for an order explicitly directing Organon to finish the arbitration.<sup>1</sup>

The University has also contemporaneously filed a motion under Fed. R. Civ. P. 60(b) in the above-discussed case that was recently dismissed. That motion requests the Court modify its judgment to explicitly direct Organon to finish the arbitration. The University’s intentions are clear. It is presenting two different ways to accomplish the same result: ordering Organon to

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<sup>1</sup> This is the *fourth* civil action that the University has initiated in an effort to get Organon to complete the arbitration. *See* Case Nos. 1:06-cv-05966, 1:07-cv-01503, and 09-cv-04251.

arbitrate. Additionally, the University has filed a motion with the Seventh Circuit to expedite Organon's appeal.

***Jurisdiction and Venue***

1. The University of Illinois is a body corporate and politic pursuant to the University of Illinois Act, ILCS § 305, *et seq.*, with a principal place of business at 1737 West Polk Street, Chicago, Illinois 60612.
2. Organon is a limited liability company organized under the laws of the State of Delaware, with a principal place of business at 100 Rodolphe Street, Durham, North Carolina 27712.
3. Jurisdiction for this petition is proper under 9 U.S.C. § 4 and 28 U.S.C. § 1332.
4. The underlying contract giving rise to the instant claim was entered into by the University of Illinois and Organon in this Judicial District and contains a stipulation that the contract shall be interpreted in accordance with the laws of the State of Illinois and the United States. In addition, Organon has been, and is, engaged in substantial and continuous business activities in this Judicial District.

***Petition for Order Ordering Arbitration***

5. The University originally filed its complaint in the recently dismissed matter seeking, *inter alia*, an order compelling Organon to complete the arbitration between the parties. Doc. No. 1 at 4 (09-cv-04251).
6. Organon, in resisting further arbitration proceedings, urged that the already-issued arbitration decision was final. *See* Doc. No. 20 at 9-10 (09-cv-04251).
7. The Court dismissed the suit because "the September 10, 2008 arbitration decision was not final and appealable," based on the Arbitrator's edict that he reserved the right to consider additional information. Doc. No. 34 at 2 (09-cv-04251).

8. Despite the Court's expressed belief that the parties should complete their arbitration, Organon appealed the Court's dismissal, rather than return to arbitration. *See* Doc. No. 38 (09-cv-04251).

9. The combination of Organon's appeal and the resulting *de facto* stay of the arbitration necessitates this petition to order Organon to finish the arbitration.

***Demand for Relief***

WHEREFORE, the University of Illinois respectfully petitions this Court for:

i) an order, pursuant to section 4 of the Federal Arbitration Act, directing Organon to participate in further arbitration proceedings pursuant to its written agreement with the University of Illinois, and

ii) any further relief that the Court deems appropriate.

Respectfully submitted,

Date: October 5, 2009

/s/George C. Summerfield  
Rolf O. Stadheim  
Joseph A. Gear  
George C. Summerfield  
Keith A. Vogt  
Steven R. Pedersen  
STADHEIM & GREAR, LTD.  
400 N. Michigan Avenue, Suite 2200  
Chicago, Illinois 60611  
Summerfield@StadheimGear.com  
(312) 755-4400

*Attorneys for Plaintiff The Board Of  
Trustees Of The University Of Illinois*